

02-28-05

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

101324.0001US1

First named inventor: Benjamin La Borde

Application No.: 10/036,893

Filed: 01/04/2002

Art Unit: 2834

Examiner: Tran N. Nguyen

Title: Super Conducting Action Motor (acronym SCAM): Electrical Apparatus for Generating a One-directional  
(ie reactionless) Force, with Applications in Space Vehicle Propulsion

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of Response After Final (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 700.00

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Robert D. Fish  
Signature

2/25/05  
Date

Robert D. Fish  
Typed or printed name

33,880  
Registration Number, if applicable

Rutan & Tucker, LLP, P.O. Box 1950, 611 Anton Blvd., 14th Floor  
Address

(714) 641-5100  
Telephone Number

Costa Mesa, CA 92628-1950  
Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

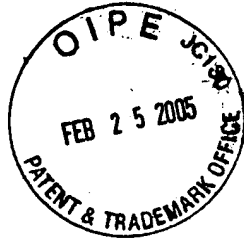
☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Collene Houston  
Typed or printed name of person signing certificate

In re Application of Benjamin La Borde  
Application No.: 10/036,893  
Filing Date: January 4, 2002  
Atty. Docket No.: 101324.0001US1



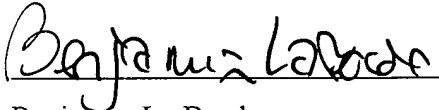
Title: Super Conducting Action Motor (acronym SCAM): Electrical Apparatus for Generating a One-directional (i.e. reactionless) Force, with Applications in Space Vehicle Propulsion

STATEMENT IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

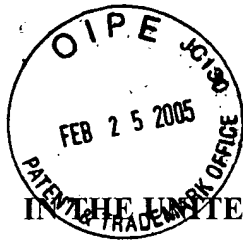
Applicant, hereby states that the entire delay in filing a proper response in the above referenced, due by February 26, 2004, until the filing of the attached petition pursuant to 37 CFR 1.137(b) was unintentional.

I filed the application and have been prosecuting the application in pro per without the assistance of an attorney. I filed a response to the Final Rejection on November 10, 2003. I was unaware that I needed to file a further response after the Advisory Action was mailed on January 12, 2004. Because the title of the document is Advisory Action, I assumed it was not necessary to respond.

I did not receive the Notice of Abandonment issued April 1, 2004 and only found out that my application had become abandoned when in February 2005 I reviewed the status of my application on the PAIRS website. Since learning of the abandonment I have hired an attorney to revive and prosecute my application on my behalf.

  
Benjamin La Borde

2/25/2005  
Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl No.: 10/036,893  
Applicant: Benjamin La Borde  
Filed: January 4, 2002  
TC/A.U.: 2834  
Examiner: Tran N. Nguyen  
Docket No.: 101324.0001US1  
Customer No.: 34284

**RESPONSE UNDER 37  
C.F.R. section 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2834**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

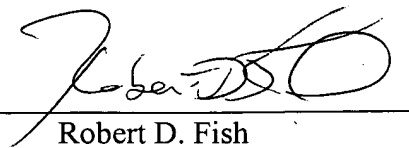
Sir:

In response to the Final Office action of August 26, 2003, applicant has determined the claims cannot be properly amended and is herewith filing a Continuation-in-Part application in order to continue prosecution of this invention.

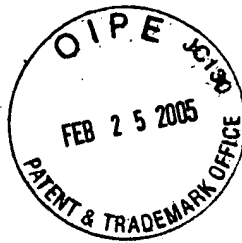
This Response is being filed concurrently with a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.127(b), said Petition being filed in order to submit the Continuation-in-Part application being concurrently filed herewith.

Respectfully submitted,

RUTAN & TUCKER

By 

Robert D. Fish  
Reg. No. 33,880  
Tel.: (714) 641-5100



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Benjamin La Borde

Application No.: 10/036,893

Group No.: 2834

Filed: January 4, 2002

Examiner: Tran N. Nguyen

For: Super Conducting Action Motor (acronym SCAM): Electrical Apparatus for Generating a One-directional (ie reactionless) Force, with Applications in Space Vehicle Propulsion

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTIFICATION OF FILING OF CONTINUING,  
DIVISIONAL OR CONTINUED PROSECUTION APPLICATION**

Notification is hereby being made of the filing of a continuation-in-part application for this case concurrently herewith. This case is to be abandoned upon filing of the continuation-in-part application.

Date: \_\_\_\_\_

2/25/02

Reg. No.: 33,880

Tel. No.: (714) 641-5100

Customer No.: 34284

Signature of Practitioner

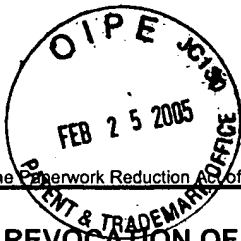
Robert D. Fish

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Costa Mesa, CA 92628-1950



PTO/SB/82 (09-04)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REVOCATION OF POWER OF  
ATTORNEY WITH  
NEW POWER OF ATTORNEY  
AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/036893
Filing Date	01/04/2002
First Named Inventor	Benjamin La Borde
Art Unit	2834
Examiner Name	Tran N. Nguyen
Attorney Docket Number	101324.0001US1

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: 34284

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with  
Customer Number:

34284

OR

☐ Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature Benjamin La Borde

Name

Date

Telephone

(949) 653-6192

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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